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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,631	02/12/2002	Anatoly Gosis	13494	7135

7590

12/21/2004

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EXAMINER

TRINH, MINH N

ART UNIT	PAPER NUMBER
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3729

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/074,631

Applicant(s)

GOSIS ET AL.

Examiner

Minh Trinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 21-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's response to the Office's Restriction has been duly considered but is held to be without merits because Applicant's response is not persuasive. First regarding claims 1-9, these claims are drawn to a tool associated with a multi chamber piston cylinder for claim 1 and at least one piston cylinder assembly for claims 6-9 (as indicated in previous Office (see paragraph 1). Further, claims 1-24 are contained a number of distinctive species and applicant is required to elect a single discloses species for prosecution on the merits, because the reasons proffered are not relevant to an election of species. The requirement for an election of species is found at Section 808.01(a) in the MPEP. Once claims are determined to be directed to mutually patentable inventions and the Office requires an election of species, a persuasive traverse is an admission on the record that Applicant did not demonstrate that the claimed species are individually patentable, Applicant's reasons therefore are not persuasive. Applicant is not entitled to examination of multiple independent inventions in one application. Moreover, examination of the independent inventions herein would present a serious burden to the Examiner in as much as the searches are not coextensive and the art is quite prolific Accordingly, the requirement is repeated and **MADE FINAL.**

Further, regarding newly added claim 25, this claim directed to a nonelected invention I, species 1B is held to be nonelected invention and is withdrawn from consideration. Thus, claims 1-15, 20-25 are withdrawn from further consideration

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pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions (I, species 1A, 1B, 2A and 2C), there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 9/29/04.

An Office action on the merits of elected Species 2B (claims 16-20) as follows:

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

3. The abstract of the invention should have been modified to readable on the claimed invention such as "the tool " instead of "an installation method".

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Caveney et al (4,519,129).

As applied to claim 16, Caveney et al disclose a tool comprising a base 31 fixture upon which an electrical connector is to be installed, an insertion die holder 28 upon which a set of insertion dies 32 is mounted for encountering and forcing the plurality of electrical wires into the electrical connector a driving assembly 29 for moving said insertion holder 28 toward said base fixture so as to cause said set of insertion dies mounted upon said insertion holder 28 to force the plurality of electrical wires into the electrical connector and mate with the electrical contact members of the electrical connector, and means mounted upon the base fixture 31 for engaging said electrical connector 24 so as to precisely locate and laterally immobilize the electrical connector upon said base fixture such that said set of insertion dies can accurately insert the electrical wires 22 into said electrical connector 24 (see Figs.1 and 12). It is noted that reference 28 of Caveney et al as broadly readable as "die holder " as claimed by the present application claims.

If argues that Caveney et al do not teach the "insertion die holder". It would have been an obvious matter of design choice to choose any desired holding means for securing the insertion die set including the die holder as recited in the present invention claims 16-20, since applicant has not disclosed such feature is critical, and patentably distinguishing feature and it appears that the invention would perform equally well with the die set holding means as shown by the prior art reference (see Fig. 1, reference 26).

As applies to claims 17-19, Caveney et al disclose the base fixture associated with a header having a plurality pins thereof (see Fig. 14-15, refs. 112's).

Limitations of claims 18-19 are also satisfied as the above discussion.

As applied to claim 20, Caveney et al disclose a frame or a retainer mounted upon the die holder (see Fig. 1).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art cited for their teachings of terminal device or the like.

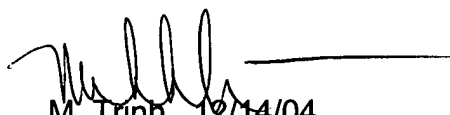
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Trinh whose telephone number is (571) 272-4569. The examiner can normally be reached on Monday -Thursday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mt

A handwritten signature in black ink, appearing to read 'M. Trinh', followed by a horizontal line.

M. Trinh 12/14/04

Primary Examiner Group 3729